

**AN ORDINANCE**

**BY COMMUNITY DEVELOPMENT AND  
HUMAN RESOURCES**

**02- 0-1175**


**AN ORDINANCE REPEALING ORDINANCE NUMBER 02-O-0836 WHICH ESTABLISHED A MORATORIUM ON THE ACCEPTANCE AND ISSUANCE OF TYPE III CERTIFICATE OF APPROPRIATENESS APPLICATIONS BY THE ATLANTA URBAN DESIGN COMMISSION ON NEW BUILDINGS IN ALL AREAS OF THE CABBAGETOWN LANDMARK DISTRICT AND ADOPTING A MORATORIUM ON THE ACCEPTANCE OF TYPE III CERTIFICATE OF APPROPRIATENESS APPLICATIONS BY THE ATLANTA URBAN DESIGN COMMISSION FOR NEW CONSTRUCTION OF ANY TYPE ON VACANT LOTS; NEW CONSTRUCTION ON LOTS WHERE NO PRIMARY STRUCTURE ALREADY EXISTS; RECONSTRUCTION OF A DEMOLISHED PRIMARY STRUCTURE WHICH IS DEMOLISHED AFTER MAY 28, 2002; AND THE DEVELOPMENT OF OFF SITE PARKING, IN ALL AREAS OF THE CABBAGETOWN LANDMARK DISTRICT; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 02-O-0836 recognized that there are numerous parcels of undeveloped land within the Cabbagetown Landmark District which were being rapidly depleted by the increasing demand for new housing construction and development in the City of Atlanta; and

**WHEREAS**, Ordinance 02-O-0836 recognized that the 1989 Landmark District regulations that govern development in Cabbagetown and which were adopted to protect the character of the Cabbagetown neighborhood by preventing destruction of existing structures and the building of new structures and the introduction of uses which conflict with the character of the existing neighborhood have not been significantly reviewed or revised since their establishment; and

**WHEREAS**, Ordinance 02-O-0836 recognized that the Cabbagetown Neighborhood Improvement Association has engaged the historic preservation program of Georgia State University to assist neighborhood residents to gather appropriate historical documents and to develop consensus on historically appropriate regulations for future development in the neighborhood and recommend modifications to the regulations which govern development in the Cabbagetown Landmark District; and

**WHEREAS**, Ordinance 02-O-0836 imposed a moratorium of 180 days from the date of adoption on the acceptance and issuance of Type III Certificate of Appropriateness applications for new construction or reconstruction of a demolished structure, by the Atlanta Urban Design Commission in the Cabbagetown Landmark District; and



**WHEREAS**, the language of Ordinance 02-O-0836 did not clearly provide that the moratorium was intended to apply only to the acceptance of Type III Certificate of Appropriateness applications for reconstruction of a demolished primary structure or new construction on vacant parcels where no primary structure already exists and not to all new construction in the District which would preclude the issuance of Type III Certificate of Appropriateness applications for changes to existing primary structures and the construction of new accessory buildings where a primary structure already exists; and

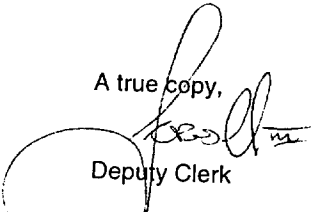
**WHEREAS**, it is in the public interest and for the health, safety and welfare of its citizens that the City maintain the character of the Cabbagetown neighborhood by preventing destruction of existing primary structures, the reconstruction of a demolished primary structure or new construction on vacant parcels where no primary structure already exists and the introduction of uses which conflict with the character of the existing neighborhood, and to allow limited development to continue, until the Cabbagetown Landmark District Regulations can be reviewed for possible amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1:** That Ordinance 02-O-0836 be and is repealed in its entirety from the date that this ordinance is signed by the Mayor or becomes law by operation of Section 2-403 of the City Charter.

**SECTION 2:** For the purpose of studying the revision and amendment of the regulations that protect the Cabbagetown Landmark District, there is authorized and imposed a moratorium on the acceptance of Type III Certificate of Appropriateness applications, by the Atlanta Urban Design Commission, on property in the Cabbagetown Landmark District, as defined on the maps attached to the ordinance which established said district, for a period of 180 days after May 28, 2002, on the following: (i) new construction of any type on vacant lots; (ii) new construction on lots where no primary structure already exists; (iii) reconstruction of a primary structure which is demolished after May 28, 2002; (iv) the development of off site parking.

**SECTION 3:** That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.



A true copy,

Deputy Clerk

**ADOPTED** by the Council  
**APPROVED** by the Mayor

JULY 15, 2002  
JULY 22, 2002

RCS# 3893  
7/15/02  
5:12 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-11; EXCEPT 02-R-1278

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

1 <sup>st</sup> Consent I Vote:	15 Yeas; 0 Nays	(See RCS #3874)
Reconsidered	11 Yeas; 0 Nays	(See RCS #3892)

CONSENT I

		07/15/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1255	34. 02-R-1229	52. 02-R-1197
2. 02-O-1256	35. 02-R-1230	53. 02-R-1198
3. 02-O-1262	36. 02-R-1231	55. 02-R-1199
4. 02-O-0969	37. 02-R-1252	56. 02-R-1200
5. 02-O-1149	38. 02-R-1183	57. 02-R-1201
6. 02-O-1100	39. 02-R-1184	58. 02-R-1202
7. 02-O-1175	40. 02-R-1185	59. 02-R-1203
8. 02-O-1105	41. 02-R-1186	60. 02-R-1204
9. 02-O-1109	42. 02-R-1187	61. 02-R-1205
10. 02-O-1110	43. 02-R-1188	62. 02-R-1206
11. 02-O-1111	44. 02-R-1189	63. 02-R-1207
12. 02-O-1112	45. 02-R-1190	64. 02-R-1208
13. 02-O-1113	46. 02-R-1191	65. 02-R-1209
14. 02-O-1114	47. 02-R-1192	66. 02-R-1210
15. 02-O-1115	48. 02-R-1193	
16. 02-O-1116	49. 02-R-1194	
17. 02-O-1117	50. 02-R-1195	
18. 02-O-1144	51. 02-R-1196	
19. 02-R-0363		
20. 02-R-1225		
21. 02-R-1249		
22. 02-R-1250		
23. 02-R-1251		
24. 02-R-1263		
25. 02-R-1276		
26. 02-R-1277		
27. 02-R-1214		
28. 02-R-1215		
29. 02-R-1274		
30. 02-R-1211		
31. 02-R-1212		
32. 02-R-1227		
33. 02-R-1228		

02-0-1175

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## FOR OTHER PURPOSES

- ☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

7/1/02

Referred To:

Community Development / Human Resources

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
 Date 6/25/02  
 Chair Charles H. Johnson  
 Referred to CR/HR

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd  
 Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

**CERTIFIED**  
 JUL 15 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine M. Woodard

**CERTIFIED**  
 JUL 15 2002

Charles H. Johnson  
 MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**  
 JUL 22 2002

*Harley Frank*  
 MAYOR

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

ADOPTED BY

JUL 15 2002

COUNCIL

Refer To